

REMARKS

Claims 39, 41 and 43-45 are rejected as being obvious over Okada et al. (US 5,672,158) in view of Fandetti et al. (US 3,645,562) and further in view of Hamilton et al. (US 1,738,996). Applicants respectfully traverse.

Claim 39 specifies an elongated outer tubular body having a lumen and an elongated inner tubular member nested within the lumen of the outer tubular body. Fig. 9 illustrates the nesting of inner tubular member 210 within outer tubular body 212.

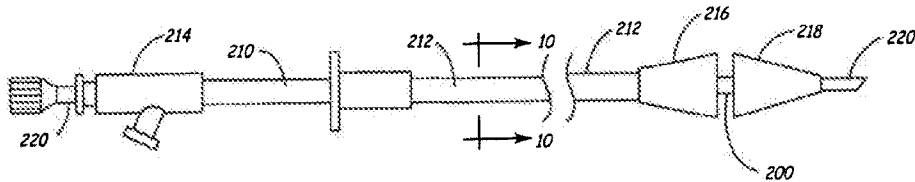


FIG. 9

Further, claim 39 specifies that the lumen of the outer tubular body has inwardly directed projections. These projections are illustrated in the cross-sectional view of Fig. 10 as projections 228, 230 and 232.

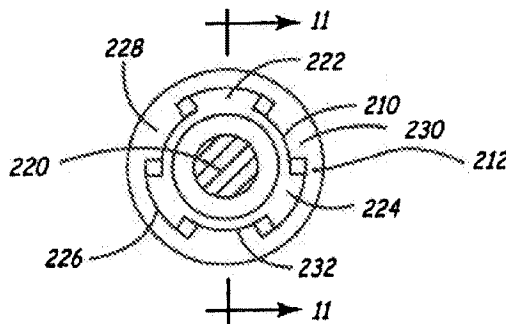


FIG. 10

Accordingly, the locking mechanism recited in claim 39 is necessarily specified to be inside the outer tubular body 212. Fig. 10 confirms such an arrangement as it shows the outwardly directed projections 222, 224 and 226 on the outer surface of inner tubular member 210, which engage the recesses formed by projections 228, 230 and 232, inside the outer tubular body. Moreover, it is the lumen of inner tubular member 210 that receives a fluid delivery catheter (see paragraphs 0043 and 0047). A guide wire 220 is shown within the lumen of inner tubular member 210 in Fig. 10.

The office action characterizes Okada as having a tubular member 32 nested within a tubular body 33. Reliance is placed on Fig. 9.

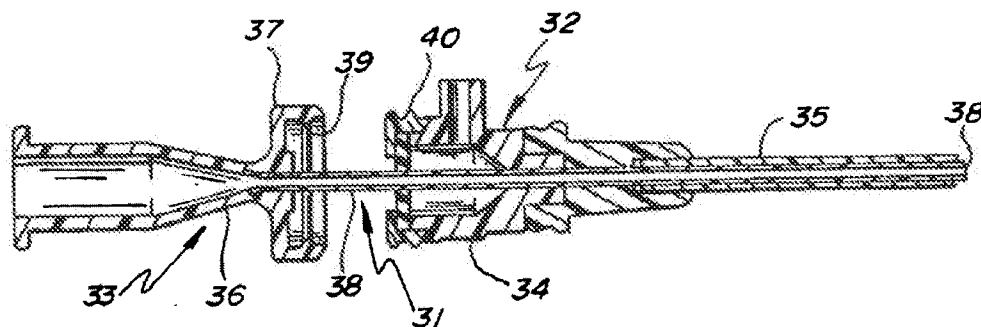


Fig. 9.

Dilator section 33 is identified as the elongated outer tubular body of claim 39, which is specified to have an elongated inner tubular member coaxially nested within its lumen. Sheath section 32 is identified as the inner tubular member of claim 39 that is nested within the lumen of the outer tubular body. However, as seen in Fig. 9, the sheath section 32 actually has the elongated body of dilator section 33, which has a fluid delivery lumen, nested within it. Based on a proper application of claim 39 to Okada, sheath section 32 would have to be the outer tubular body and dilator section 33 would have to be the inner tubular member having a lumen for fluid delivery. Accordingly, the characterization of Okada in the office action is erroneous. The rejection is flawed on this basis alone.

The office action further attempts to characterize the flange 37 on the outside of dilator section 33 and its circular protrusion 39 together with groove 40 as forming the locking mechanism specified in claim 39. However, the locking mechanism in Okada is not inside dilator section 33 as required by claim 39. As noted, the inwardly directed projections of the outer tubular body are inside the lumen of the outer tubular body. The flange is not inside the lumen of dilator section 33. Accordingly, the characterization of Okada in the office action is yet further erroneous, and the obviousness rejection is yet further flawed on this basis.

Moreover, the locking mechanism of the flange 37 and groove 40 are not engaged and disengaged by relative rotational movement as required by claim 39. Instead, there is a "snap-in" and "snap-out" manipulation that "locks" and "unlocks" the flange 37 and groove 40. Okada describes this in detail at column 4, lines 46-65. In fact, flange 37 and groove 40 are designed to restrict relative rotation. See col. 4, lines 54-55 ("...it does not happen that the dilator section 33 and the sheath section 32 rotate relatively...")

In order to more specifically set forth the novel and non-obvious structure of the present invention, claim 39 has been amended to recite that the inner tubular member has a lumen to receive a fluid delivery catheter. This feature should be inherent in the claim language without amendment, but with such amendment claim 39 clearly distinguishes Okada and obviates the clearly erroneous characterization of the Okada catheter introducer structure.

Accordingly, regardless of whether either Fandetti or Hamilton has any relevance, the combination with Okada set forth in the office action fails to result in the subject matter, as a whole, set forth in claim 39. Thus, claim 39 and dependent claims 41, 43, 44 and 45 are patentable and the obviousness rejection should be withdrawn.

However, as to Fandetti, it should be noted that the coupling device disclosed therein, like the locking mechanism in Okada, is located externally of the tubular members to couple the ends of the two tubular members together.

Thus, even though Fandetti discloses a bayonet connector type fastening mechanism, substitution of it for the locking mechanism in Okada nevertheless does not result in the claimed subject matter, as a whole, that is set forth in claim 39.

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this Amendment, the Examiner is requested to telephone the undersigned attorney to attend to those matters.

Respectfully submitted,

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Date

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